

ATTACHMENT D

From: [Hsiao, Lisa K.](#)
To: [Flahive Wu, Laura](#); [Westfall, Fred \(USAWS\)](#)
Cc: [Chaput, Isaac](#); [Mincer, Jonathan](#); [Jeffrey Wakefield - Flaherty Sensabaugh Bonasso PLLC \(jwakefield@flahertylegal.com\)](#); [Hines, Jocelyn C.](#)
Subject: RE: Huntington v. AmerisourceBergen Drug Corp., et al.
Date: Friday, May 15, 2020 11:47:15 AM

Laura,

Thank you for summarizing yesterday's discussion. I have one minor correction – I mistakenly characterized the Task Force reports that the FBI has agreed to produce as monthly, when they are in fact quarterly. While the FBI appreciates that it has the option of producing unredacted versions of those reports under an Attorneys' Eyes Only designation, it strongly prefers to protect law enforcement-sensitive information by performing the proper redactions in the first instance, and so is working towards that goal for now.

I have asked the FBI to search for the types of budget documents you requested, and I believe they have identified someone who can start searching for those documents next week. We will let you know what they find.

Have a good weekend,

Lisa Hsiao

Lisa K. Hsiao

Senior Litigation Counsel
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Lisa.K.Hsiao@usdoj.gov

From: Flahive Wu, Laura <lflahivewu@cov.com>
Sent: Thursday, May 14, 2020 5:35 PM
To: Hsiao, Lisa K. <LHSIAO@civ.usdoj.gov>; Westfall, Fred (USAWS) <FWestfall@usa.doj.gov>
Cc: Chaput, Isaac <IChaput@cov.com>; Mincer, Jonathan <JMincer@cov.com>; Jeffrey Wakefield - Flaherty Sensabaugh Bonasso PLLC (jwakefield@flahertylegal.com) <jwakefield@flahertylegal.com>
Subject: RE: Huntington v. AmerisourceBergen Drug Corp., et al.

Lisa,

Thank you again for making the time to speak with us today; we appreciate your efforts, and those of the FBI, to respond to the subpoena notwithstanding the constrained resources in the current

environment. You informed us during the call that the FBI served as coordinator for the Huntington Violent Crime & Drug Task Force between 2012 and 2018, and that the FBI has been able to locate task force monthly reports beginning in April 2012. We understand that FBI is still reviewing the reports but is willing to produce them, and anticipates making that production by around June 12.

As we discussed, based on your description of the task force monthly reports, we are willing to accept production of the reports as largely satisfying the requests in the subpoena. We also inquired whether the FBI has located any budget-related documents; you informed us that you would look into that request and get back to us.

We also discussed the issue of sensitive information that may need to be redacted from the task force monthly reports. As I mentioned, one option to relieve some of the burden of reviewing for such sensitive information is for the FBI to produce them initially under the attorney-eyes only amendment to the protective order that has been entered in this case. I've attached the amendment here for your reference.

Finally, you informed us that the FBI is willing to authorize Mr. Cox or another task force representative to provide general testimony regarding task force activities. As I mentioned, the parties are still determining how to proceed with depositions in this matter and we will follow up with you when we have more information in that regard.

Best regards,

Laura

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From: Hsiao, Lisa K. <Lisa.K.Hsiao@usdoj.gov>

Sent: Thursday, May 14, 2020 3:33 PM

To: Flahive Wu, Laura <lflahivewu@cov.com>; Westfall, Fred (USA WVS) <Fred.Westfall@usdoj.gov>

Cc: Chaput, Isaac <IChaput@cov.com>; Mincer, Jonathan <JMincer@cov.com>; Jeffrey Wakefield - Flaherty Sensabaugh Bonasso PLLC (jwakefield@flahertylegal.com) <jwakefield@flahertylegal.com>

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[EXTERNAL]

Laura,

Are you available this afternoon to talk about the FBI's position regarding your request below? Fred

Westfall and I could do a call at 4:30 if that works for you all. If that time is ok, please provide a call-in.

Thanks,
Lisa Hsiao

Lisa K. Hsiao

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From: Flahive Wu, Laura <lflahivewu@cov.com>
Sent: Monday, May 11, 2020 3:27 PM
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Subject: RE: Huntington v. AmerisourceBergen Drug Corp., et al.

Thank you, Lisa.

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From: Hsiao, Lisa K. <Lisa.K.Hsiao@usdoj.gov>
Sent: Monday, May 11, 2020 2:59 PM
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Cc: Chaput, Isaac <IChaput@cov.com>; Mincer, Jonathan <JMincer@cov.com>; Jeffrey Wakefield -

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Subject: RE: Huntington v. AmerisourceBergen Drug Corp., et al.

[EXTERNAL]

Laura,

Thank you for reaching out. I will confer with the client and get back to you as soon before Friday as is practicable.

Regards,

Lisa Hsiao

Lisa K. Hsiao

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Sent: Monday, May 11, 2020 12:57 PM
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Subject: RE: Huntington v. AmerisourceBergen Drug Corp., et al.

(I am resending due to an error in Fred's email address.)

From: Flahive Wu, Laura
Sent: Monday, May 11, 2020 12:56 PM
To: 'Fred.Westfall@usa.doj.gov' <Fred.Westfall@usa.doj.gov>; 'Lisa.K.Hsiao@usdoj.gov'
<Lisa.K.Hsiao@usdoj.gov>
Cc: Chaput, Isaac <IChaput@cov.com>; Mincer, Jonathan <JMincer@cov.com>; Jeffrey Wakefield - Flaherty Sensabaugh Bonasso PLLC (jwakefield@flahertylegal.com) <jwakefield@flahertylegal.com>
Subject: Huntington v. AmerisourceBergen Drug Corp., et al.

Fred and Lisa,

Thank you for our productive conversation on April 22 about the subpoenas we served on Darren Cox regarding his role on the Huntington Violent Crime & Drug Task Force in City of Huntington v.

AmerisourceBergen Drug Corp., et al. As we mentioned on our call, we have sought relief from the demanding case deadlines in the case. Today, the Court granted us partial relief, extending the deadline for document productions from April 30 to June 12. (See attached.)

The Court also set a deadline of this Friday, May 15, for the parties to file motions regarding outstanding discovery disputes, including those involving third parties. We therefore may need to file a motion by this Friday to preserve our rights, depending on where we are with subpoena responses.

We look forward to hearing from you with any updates.

Best regards,

Laura

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